

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has canceled claims 1, 6, 12, 17, 22, 26, 31 and 35 without prejudice. Furthermore, Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, Applicant claims embedding a synthetic object into a live scene. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(b)***

#### **Claims 2, 3, 5, 7-11, 13, 15, 16, 18-21, 23-25, 27-30, 32-34 and 36-39**

Claims 2, 3, 5, 7-11, 13, 15, 16, 18-21, 23-25, 27-30, 32-34 and 36-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Segen, U.S. Patent No. 6,072,504. Applicant respectfully submits that Segen does not disclose each and every element of the invention as claimed in claims 2, 3, 5, 7-11, 13, 15, 16, 18-21, 23-25, 27-30, 32-34 and 36-39.

Segen discloses creating a three-dimensional animated representation of a live action tennis match by tracking objects from multiple video feeds. The animation is created from a ball, puck or other object that can be described through a series of equations. In addition, Segen's system creates virtual camera viewpoints of the animated scene. Virtual camera viewpoints are viewpoints that are not available from the physical video cameras. In particular, the animation and virtual camera viewpoints are used for tennis action replays.

Applicant respectfully submits that Segen does not teach or suggest each and every limitation of Applicant's invention as claimed. In independent claims 8, 19, 28 and 37, Applicant claims embedding a synthetic object into a live scene. In contrast, Segen creates an animation of a live scene. In addition, Segen's animation is used in conjunction with live television scene, for example by showing an animated replay from a virtual camera of a live scene. In this aspect, the animated replay compliments the live scene,

thus creating two scenes. However, neither aspect of Segen embeds a synthetic object into a live scene. Furthermore, there is no disclosure in Segen that teaches or suggests embedding a synthetic object into a live scene. Therefore, Segen cannot be properly interpreted as disclosing creating a viewpoint for a synthetic scene from a synthetic object and a live scene as claimed in claims 8, 19, 28 and 37 and claims 2, 3, 5, 7, 9-11, 13, 15, 16, 19-21, 23-25, 27, 29, 30, 32-34, 36, 38 and 39.

Accordingly, Applicant respectfully submits that the invention claimed in claims 2, 3, 5, 7-11, 13, 15, 16, 18-21, 23-25, 27-30, 32-34 and 36-39 is not anticipated by Segen under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 4 and 14**

Claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Segen. Because the single reference does not teach the invention as claimed in claims 4 and 14, Applicant assumes the Examiner is taking Official Notice of the missing elements. Applicant respectfully objects to such Official Notice and requests the Examiner cite references in support of his/her position.

As to claims 4 and 14, Segen does not disclose applying the three-dimensional animation representation to a racing event. Instead, Segen discloses creating a three-dimensional animation of a live tennis match, which is not the same as a racing event. It would not be obvious to modify Segen's animation to provide the claimed element because Segen is directed towards creating animated versions of live games where the trajectory of a ball, puck or other object that can be described through a series of equations. Applicant respectfully submits that it is not obvious to form trajectory equations for racing event objects. Thus, Segen cannot properly be interpreted as rendering obvious Applicant's invention as claimed in claims 4 and 14.

Nonetheless, Applicant respectfully submits that Segen does not support a *prima facie* case of obviousness because the combination of Segen and Examiner's Official Notice does not teach or suggest each and every claim limitation of Applicant's invention as claimed. Claims 4 and 14 depend from independent claims 8 and 19, respectively. However, neither Segen nor Examiner's Official Notice disclose all of the claimed

elements from claims 8 and 19. Therefore, Segen and Examiner's Official Notice cannot properly be interpreted as rendering obvious Applicant's invention as claimed in claims 8 and 19 and claims 4 and 14 that depend from them. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 4 and 14 is not rendered obvious by Segen, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

### **SUMMARY**

Claims 2-5, 7-11, 13-16, 18-21, 23-25, 27-30, 32-34 and 36-39 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated 09.28, 2004

  
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